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HOUSE BILL 73

**44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999**

INTRODUCED BY

Jeannette Wallace

AN ACT

RELATING TO CRIMINAL LAW; EXPANDING THE DEFINITION OF CREDIT CARD FOR CRIMINAL OFFENSES INVOLVING CREDIT CARDS; AMENDING A SECTION OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 30-16-25 NMSA 1978 (being Laws 1971, Chapter 239, Section 1) is amended to read:

"30-16-25. CREDIT CARDS--DEFINITIONS.--As used in Sections [~~40A-16-24 through 40A-16-38 NMSA 1953~~] 30-16-25 through 30-16-38 NMSA 1978:

A. "cardholder" means the person or organization identified on the face of a credit card to whom or for whose benefit the credit card is issued by an issuer;

B. "credit card" means:

(1) any instrument or device, whether known

underscored material = new  
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1 as a credit card, credit plate, charge card or by any other  
2 name, issued with or without fee by an issuer for the use of  
3 the cardholder in obtaining money, goods, services or anything  
4 else of value, either on credit or in consideration of an  
5 undertaking or guarantee by the issuer of the payment of a  
6 check drawn by the cardholder; or

7 (2) a credit card bill;

8 C. "expired credit card" means a credit card which  
9 shows on its face that it is outdated;

10 D. "issuer" means the business organization or  
11 financial institution, or its duly authorized agent, which  
12 issues a credit card;

13 E. "participating party" means a business  
14 organization, or financial institution, other than the issuer,  
15 which acquires for value a sales slip or agreement;

16 F. "sales slip or agreement" means any writing  
17 evidencing a credit card transaction;

18 G. "merchant" means every person who is authorized  
19 by an issuer or a participating party to furnish money, goods,  
20 services or anything else of value upon presentation of a  
21 credit card by a cardholder;

22 H. "incomplete credit card" means a credit card  
23 upon which a part of the matter, other than the signature of  
24 the cardholder, which an issuer requires to appear on the  
25 credit card before it can be used by a cardholder, has not

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1 been stamped, embossed, imprinted or written on it;

2 I. "revoked credit card" means a credit card for  
3 which the permission to use has been suspended or terminated  
4 by the issuer, and notice thereof has been given to the  
5 cardholder; and

6 J. "anything of value" includes money, goods and  
7 services. "

8 Section 2. EFFECTIVE DATE. --The effective date of the  
9 provisions of this act is July 1, 1999.

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